IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10125 of 2004

Between:
G. Sammaiah, S/o. Sammaiah,
Ex-Fair Price Shop Dealer, Muchimpula village,
Nallabelli Mandal, Warangal district.

.....
PETITIONER

AND

01. The Joint Collector, Warangal
02. The Revenue Divisional Officer,
Narsampet, Warangal district
03. The Mandal Revenue Officer,
Nallabelli Mandal, Warangal district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of certiorari calling for the records relating to the impugned proceedings No.A/E-CS/1288/2004 dated 30.04.2004 and quash the same as illegal and without jurisdiction and consequently direct the respondents to consider the explanation submitted by me in accordance with law and pass orders

Counsel for the Petitioner: Mr.S.LAKSHMA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES, ADVOCATE

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the order of the second respondent dated 30.04.2004 in canceling the authorization granted in favour of the petitioner.

2. It is stated that the petitioner was appointed as a Fair Price Shop Dealer at Muchimpula village, Nallabelli Mandal, Warangal district. According to the petitioner, he has been distributing the essential commodities without any complaint. But, however, on certain allegations, the Revenue Divisional Officer - second respondent herein issued a show case notice for which the petitioner submitted his explanation. The second respondent, without conducting any enquiry, referred the matter to the Deputy Tahsildar (Civil Supplies), Narsampet, and obtained a report from him and thereafter, issued a further show cause notice on 27.03.2004, for which an explanation has been furnished by the petitioner disputing the allegations. Thereafter the second respondent, without conducting any regular enquiry, passed the order basing on the said report of the Deputy Tahsildar (Civil Supplies), Narsampet. Therefore, the petitioner has come up with the present writ petition contending that the order was passed without conducting proper enquiry and therefore, liable to be set aside.

4. The learned counsel for the petitioner fairly admitted that there is a remedy of appeal before the Joint Collector, Warangal, but the present incumbent is under transfer and therefore, he is not

entertaining the appeal.

5 . Under the above circumstances, the petitioner was constrained to approach this Court.

6. Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

7. There is no merit in the contentions advanced by the learned counsel for the petitioner, but, however, in view of the fact that an effective remedy of appeal is available to the petitioner, this Court is not inclined to go into the merits of the matter. Accordingly, the writ petition is disposed of, at the admission stage, directing the petitioner to approach the appellate authority within a period of three weeks from today. Pending passing of orders by the appellate authority, the respondents are directed to maintain status quo obtaining as on today as to the distribution of essential commodities.

8. The writ petition is accordingly disposed of at the admission stage.

Note: Furnish CC in 3 days
B/o
va

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

22.06.2004
va

To
01. The Joint Collector, Warangal
02. The Revenue Divisional Officer,
Narsampet, Warangal district
03. The Mandal Revenue Officer,
Nallabelli Mandal, Warangal district.

04. Two CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT)
05. Two CD copies